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9 Defendants  
10 VERINATA HEALTH, INC., THE  
BOARD OF TRUSTEES OF THE  
LELAND STANFORD JUNIOR  
11 UNIVERSITY, and ILLUMINA, INC.

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Plaintiff  
ARIOSA DIAGNOSTICS, INC.

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14  
15 VERINATA HEALTH, INC.,  
16 and  
17 THE BOARD OF TRUSTEES OF THE  
LELAND STANFORD JUNIOR  
18 UNIVERSITY,

Case No. 3:12-cv-05501-SI

**STIPULATED CASE SCHEDULE**

19 Plaintiffs and  
20 Counterclaim-Defendants,  
21 v.  
22 ARIOSA DIAGNOSTICS, INC.,  
23 and  
24 LABORATORY CORPORATION OF  
AMERICA HOLDINGS,  
25 Defendants and  
26 Counterclaim-Plaintiffs.

Judge: Honorable Susan Illston

1 ILLUMINA, INC.,

2 Plaintiff,

3 v.

4 ARIOSA DIAGNOSTICS, INC.,

5 Defendant.

6 ARIOSA DIAGNOSTICS, INC.,

7 Defendant and Counterclaim-  
Plaintiff,

8 v.

9 ILLUMINA, INC.,

10 Plaintiff and Counterclaim-  
Defendant.

Case No. 3:14-cv-01921-SI

**STIPULATED CASE SCHEDULE**

Judge: Honorable Susan Illston

Pursuant to the Court's June 5, 2014 Order consolidating Case No. 14-01921 (*Illumina, Inc. v. Ariosa Diagnostics, Inc.*) with Case No. 12-05501 (*Verinata Health, Inc. et al. v. Ariosa Diagnostics, Inc. et al.*) and requiring the submission of a proposed case schedule, Illumina, Inc., Verinata Health, Inc., The Board Of Trustees Of The Leland Stanford Junior University (collectively, "Plaintiffs") and Ariosa Diagnostics, Inc. ("Ariosa") jointly submit this stipulation regarding the case schedule.

#### **I. PRELIMINARY STATEMENT**

The parties in these consolidated actions have met and conferred, and have agreed to the case schedule presented below. The schedule is based upon the hearing and trial dates set by the Court.

#### **II. STIPULATED CASE SCHEDULE**

| <b>Event</b>   | <b>Date</b>    |
|--|----------------|
| Disclosure of Asserted Claims and Infringement Contentions and accompanying document production by Patentee<br><br>[Pat. L.R. 3-1 & 3-2] | June 20, 2014  |
| Invalidity Contentions and accompanying document production by accused infringer<br><br>[Pat. L.R. 3-3 & 3-4]                            | July 18, 2014  |
| Exchange of Proposed Terms and Claim Elements for Construction<br><br>[Pat. L.R. 4-1]  | August 1, 2014 |

| Event   | Date               |
|---|--------------------|
| Exchange of Preliminary Claim Constructions and Extrinsic Evidence<br>[Pat. L.R. 4-2]                   | August 22, 2014    |
| Filing of Joint Claim Construction and Pre-Hearing Statement<br>[Pat. L.R. 4-3]                         | September 12, 2014 |
| Completion of Claim Construction Discovery<br>[Pat. L.R. 4-4]   | October 8, 2014    |
| Status Conference with the Court<br>- Discuss Tutorial Mechanics<br>- Discuss Markman Hearing Mechanics | October 10, 2014   |
| Opening Claim Construction Brief by Patentee<br>[Pat. L.R. 4-5(a)]                                      | October 24, 2014   |
| Responsive Claim Construction Brief by accused infringer<br>[Pat. L.R. 4-5(b)]                          | November 7, 2014   |
| Reply Claim Construction Brief by Patentee<br>[Pat. L.R. 4-5(c)]  | November 14, 2014  |

| Event   | Date                                |
|---|-------------------------------------|
| Technology Tutorial   | December 4, 2014 at 3:30 p.m.       |
| Claim Construction Hearing<br>[Pat. L.R. 4-6]   | December 11, 2014 at 3:30 p.m.      |
| Status Conference with the Court  | At the Court's convenience          |
| Accused infringer's last day to produce opinions of counsel and/or serve privilege log re same<br><br>[Pat. L.R. 3-7] | 50 days after <i>Markman</i> ruling |
| Fact Discovery Cut-off  | February 20, 2015                   |
| Opening Expert Reports for which party bears the burden   | February 27, 2015                   |
| Rebuttal Expert Reports   | March 27, 2015                      |
| Expert Discovery Cut-off  | April 24, 2015                      |
| Last day to file dispositive motions  | May 1, 2015                         |
| Last day to file dispositive motion opposition brief<br><br>[Civil L.R. 7-3(a)]                                       | May 15, 2015                        |
| Last day to file dispositive motion reply brief<br><br>[Civil L.R. 7-3(c)]  | May 22, 2015                        |
| Last Day for Dispositive Motions to Heard<br><br>[Civil L.R. 7-2]   | June 5, 2015                        |

| Event  | Date          |
|--|---------------|
| Last day to file Joint Pretrial Conference Statement, trial witness list and summary of proposed testimony, deposition and written discovery designations, jury instructions, admissibility stipulations, motions <i>in limine</i> , and trial exhibits/objections<br><br>[Judge Illston's Pretrial Instruction Nos. 1, 2, 3, 5(b), 6] | June 30, 2015 |
| Last day to file responses to motions <i>in limine</i><br><br>[Judge Illston's Pretrial Instruction No. 6]   | July 7, 2015  |
| Pretrial Conference  | July 14, 2015 |
| Trial  | July 27, 2015 |

Respectfully submitted,

Dated: July 10, 2014

WEIL, GOTSHAL & MANGES LLP

By: /s/ Derek C. Walter

Derek C. Walter  
Attorneys for Plaintiffs and Counterclaim-Defendants Verinata Health, Inc., The Board Of Trustees Of The Leland Stanford Junior University, and Illumina, Inc.

Dated: July 10, 2014

IRELL & MANELLA LLP

By: /s/ David I. Gindler

David I. Gindler  
Attorneys for Defendant and Counterclaim-Plaintiff Ariosa Diagnostics, Inc.

## **CERTIFICATION**

I, Derek C. Walter, am the ECF User whose identification and password are being used to file this Stipulation. In compliance with General Order 45.X.B, I hereby attest that David Gindler has concurred in this filing.

/s/ Derek C. Walter  
Derek C. Walter

8 | IT IS SO ORDERED.

10 || Dated: 7/11/14

Susan Mleton

Honorable Susan Illston  
United States District Court Judge